

IC 20-5.5-6

Chapter 6. Employment

IC 20-5.5-6-1

Employees; collective bargaining agreements; accrual of and financial responsibility for benefits

Sec. 1. (a) Except as provided in subsection (b), individuals who work at a charter school are employees of the charter school or of an entity with which the charter school has contracted to provide services.

(b) Teachers in a conversion charter school are employees of both the charter school and the school corporation that sponsored the charter school. For purposes of the collective bargaining agreement, conversion charter school teachers are considered employees of the school corporation that sponsored the charter school.

(c) All benefits accrued by teachers as employees of the conversion charter school are the financial responsibility of the conversion charter school. The conversion charter school is required to pay those benefits directly or to reimburse the school corporation for the cost of the benefits.

(d) All benefits accrued by a teacher during the time that the teacher was an employee only of the school corporation that sponsored the charter school are the financial responsibility of the school corporation. The school corporation is required to pay those benefits directly or to reimburse the conversion charter school for the cost of the benefits.

(e) For any other purpose, a teacher is an employee of the charter school.

As added by P.L.100-2001, SEC.21. Amended by P.L.276-2003, SEC.8.

IC 20-5.5-6-2

Teachers

Sec. 2. Individuals must choose to be teachers at a charter school voluntarily, and a charter school shall voluntarily choose such individuals to be its teachers.

As added by P.L.100-2001, SEC.21.

IC 20-5.5-6-3

Collective bargaining

Sec. 3. Employees of a charter school may organize and bargain collectively under IC 20-7.5.

As added by P.L.100-2001, SEC.21.

IC 20-5.5-6-4

Conversion charter schools

Sec. 4. (a) This section applies to a conversion charter school.

(b) After the conversion, the teachers in a conversion charter school remain part of the bargaining unit of the sponsor and are subject to all the provisions of the collective bargaining agreement.

(c) The governing body, the equivalent body of the conversion charter school, and the exclusive representative may by mutual agreement grant a waiver of a specific provision of the collective bargaining agreement.

(d) Noncertificated employees (as defined in IC 20-7.5-1-2) shall remain in existing bargaining units and are covered under existing collective bargaining agreements.

As added by P.L.100-2001, SEC.21.

IC 20-5.5-6-5

Teachers; license or completion of transition to teaching program required

Sec. 5. (a) An individual who teaches in a charter school must either:

(1) hold a license to teach in a public school in Indiana under IC 20-6.1-3; or

(2) be in the process of obtaining a license to teach in a public school in Indiana under the transition to teaching program set forth in IC 20-6.1-3-11.

(b) An individual described in subsection (a)(2) must complete the transition to teaching program not later than three (3) years after beginning to teach at a charter school.

(c) An individual who provides a service to students in a charter school:

(1) that is not teaching; and

(2) for which a license is required under Indiana law;

must have the appropriate license to provide the service in Indiana.

As added by P.L.100-2001, SEC.21.

IC 20-5.5-6-6

Substitute teachers

Sec. 6. A charter school may employ a substitute teacher or an individual who holds a limited license to teach in the same manner in which a noncharter public school may employ a substitute teacher or an individual who holds a limited license to teach.

As added by P.L.100-2001, SEC.21.

IC 20-5.5-6-7

State teachers retirement fund

Sec. 7. (a) A charter school shall participate in the following:

(1) The Indiana state teachers' retirement fund in accordance with IC 21-6.1.

(2) The public employees' retirement fund in accordance with IC 5-10.3.

(b) A person who teaches in a charter school is a member of the Indiana state teachers' retirement fund. Service in a charter school is creditable service for purposes of IC 21-6.1.

(c) A person who:

(1) is a local school employee of a charter school; and

(2) is not eligible to participate in the Indiana state teachers'

retirement fund;
is a member of the public employees' retirement fund.

(d) The boards of the Indiana state teachers' retirement fund and the public employees' retirement fund shall implement this section through the organizer of the charter school, subject to and conditioned upon receiving any approvals either board considers appropriate from the Internal Revenue Service and the United States Department of Labor.

As added by P.L.100-2001, SEC.21.

IC 20-5.5-6-8

Decision to grant charter

Sec. 8. The decision by a sponsor whether to grant a charter shall not be subject to restraint by the collective bargaining agreement.

As added by P.L.100-2001, SEC.21.

IC 20-5.5-6-9

Personnel adjustments

Sec. 9. As a school corporation grants a charter to a charter school and individuals choose and are chosen by the charter school to teach in the charter school, the school corporation may make personnel adjustments among its noncharter school teachers that the school corporation believes are necessary or appropriate to match existing resources with existing needs in its noncharter schools. If, as part of such adjustments, the school corporation eliminates a teaching position within the corporation, the legal or contractual provisions, if any, otherwise applicable to the teacher in one (1) of its noncharter schools whose contract with the school corporation is canceled as a result of the elimination of the position within the school corporation shall continue to apply to that teacher.

As added by P.L.100-2001, SEC.21.

IC 20-5.5-6-10

Transfer of teachers

Sec. 10. (a) The governing body:

- (1) must grant a transfer of not more than two (2) years; and
- (2) may grant a transfer for a period of time in addition to the period required in subdivision (1);

to a teacher of a noncharter school in the school corporation who wishes to teach and has been accepted to teach at a nonconversion charter school.

(b) During the term of the transfer under subsection (a):

- (1) the teacher's seniority status under law continues as if the teacher were an employee of a noncharter school in the school corporation; and
- (2) the teacher's years as a charter school employee shall not be considered for purposes of permanent or semipermanent status with the school corporation under IC 20-6.1-4.

As added by P.L.100-2001, SEC.21.